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ABSTRACT

This packet of materials is designed as a basic guide for community-based organizations (CBOs) interested in tracking the use of State Legalization Impact Assistance Grants (SLIAG) funds and in advocating that they be used efficiently and effectively. The SLIAG program was created under the Immigration Reform and Control Act of 1986 (IRCA) to assist states in providing public health, public assistance, and educational services to newly legalized immigrants. Many states are overly cautious in implementing SLIAG because the regulations are complex and difficult to implement, and the reimbursement formula is confusing. The following issues are discussed: (1) the allocation formula; (2) the definition of Eligible Legalized Aliens (ELAs); (3) administrative costs; (4) tracking; and (5) the current status of implementation. CBOs seeking SLIAG educational funding often encounter problems because of conflicting priorities and inefficient state administration. Eight suggestions for overcoming these difficulties are included. The following materials are appended: (1) a table illustrating the 1988 final SLIAG allotments, by state; (2) a list of contact persons; (3) a table illustrating federal offset figures, 1988-91; and (4) a table illustrating estimated legalization applications, by state of residence. (FMW)

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SLIAG ADVOCACY PACKET

A Guide for Community Based Organizations

Prepared by:

American Council for Nationalities Service

National Council of La Raza

April, 1989

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SLIAG ADVOCACY PACKET
BASIC INFORMATION

INTRODUCTION

The Immigration Reform and Control Act of 1986 (IRCA) contained several major provisions which greatly affect the immigrant community, and thus, those who provide services to immigrants. One of the most notable provisions was the Legalization program, under which 1.7 million undocumented immigrants applied for legal status in the United States. Another program for special agricultural workers (SAWS) yielded approximately one million applications.

The State Legalization Impact Assistance Grants (SLIAG) were created under IRCA in order to provide services on the local level to this new class of legalized immigrants. For a number of reasons, not the least of which is the fact that the way in which it is administered varies from state to state, SLIAG remains one of the most complex and confusing elements of IRCA. This packet of materials is designed as a basic guide for community groups who are interested in tracking the use of SLIAG funds and in advocating that they be efficiently and effectively used in the newly legalized community.

OVERVIEW

IRCA provides funds to states in the amount of $1 billion per year for four successive years beginning with fiscal year 1988. The purpose of SLIAG, according to the regulations, is "to alleviate the financial impact of State and local governments that may result from the adjustment of immigration status under the Act [IRCA] of certain groups of aliens...." (45CFR part 402). It is important to note that SLIAG funds are not intended to cover all of the costs of providing services to this population, but only to assist in meeting these costs.

The Department of Health and Human Services (HHS) of the federal government administers the SLIAG program at the national level, distributing funds to the states according to the number of people legalized in each state and other factors. The states, in turn, are to use the funds to provide services in three areas, public health, public assistance, and educational services. According to federal guidelines, 10% of SLIAG funds must be allocated to each of these three areas, with the remaining 70% to be allocated according to local service needs and priorities.

The SLIAG regulations, developed by HHS, are complex and difficult to implement. They require state education agencies, which do not generally have experience with immigrants, to demonstrate the existence and size of the service population and its actual use of "allowable" services

in order to receive SLIAG funds. Many states, accustomed to block grants, are confused and uncomfortable with the SLIAG reimbursement formula. Consequently, many states are reacting by turning to each other for assistance and by being overly cautious in implementing SLIAG.

ALLOCATION FORMULA

The amount of money available to each state through SLIAG is determined each year through a complex formula. First, a federal "offset" is subtracted from the yearly $1 billion amount. The offset, required by the statute, covers costs for federal public assistance programs which newly legalized persons have access to under IRCA (eg: Medicaid). Once the offset has been subtracted, the remainder of the funds are allocated according to a formula which takes into account three principal factors:

- **State's portion of total ELA Population** - 49% of SLIAG funds are allocated according to a ratio of the number of "Eligible Legalized Aliens" (ELAs) in the state compared to the total number in the country;

- **ELAs compared to state population** - 1% of SLIAG funds are allocated to states with relatively high ELA populations as compared to the total population of the state; and

- **State SLIAG-related costs** - 50% of SLIAG funds are allocated according to a ratio of the state's SLIAG-related costs compared to the total of such costs for all states. SLIAG-related costs are the funds spent by state and local governments for programs which fall under the SLIAG regulations. These costs may not ultimately be reimbursed with SLIAG funds, but they are still part of the allocation formula.

(See appendix A for further information on SLIAG allotments for each state)

ELIGIBLE LEGALIZED ALIENS

SLIAG funds are available to compensate for the cost of providing services only to "eligible legalized aliens" (ELAs). According to the regulations, an ELA is a person who has been **granted** legal status under the legalization and SAW programs of IRCA. This does not include persons who were legalized under the Cuban/Haitian program, United States citizen children of legalized persons, family members granted voluntary departure, or family members without legal status. These regulations do not affect which services can be provided to persons in these categories, only which services can be reimbursed with SLIAG funds.

The total number of ELAs in each state is still unclear. The INS has figures of the total number who have **applied** in each state, but many applications have not yet been adjudicated by the INS. Accordingly, the allocation formula for each state is subject to change. A summary of the

application figures for the legalization and SAW programs for each state is included in this packet.

ADMINISTRATIVE COSTS

Administrative costs are allowable under SLIAG for two purposes. First, states can use SLIAG funds to reimburse, within reason, administrative costs associated with administering the SLIAG program itself. Second, "program administrative costs", or the administrative costs of providing the services covered by SLIAG can be reimbursed with SLIAG funds. In general, such costs are reimbursable without any strict limitations set by the statute or regulations, with the exception of educational costs. Under IRCA, a state educational agency cannot use more than 1.5% of its total SLIAG allocation for administrative purposes.

TRACKING

SLIAG, because it is a reimbursement program and not administered as a "block grant", carries specific tracking requirements for the states. States do not necessarily have to track the use of actual funds, but they must keep track of the cost of providing services which are allowable under SLIAG. For entities who subcontract with states in order to provide services, this is likely to mean stringent reporting procedures in order to ensure that services meet the standards of the SLIAG regulations.

For education and public benefits programs, this means documenting the status of each ELA, and the nature of the service, often using a separate form for each individual served. For public health programs the requirements are less stringent; public health programs can receive SLIAG funding according to a formula based upon the ratio between the number of ELAs compared to the state's population. Many states and service providers report that the tracking necessary for education and public benefits programs is excessively burdensome, advocating instead for a "formula" approach.

CURRENT STATUS/ ADVOCACY ISSUES

SLIAG has received a fair amount of attention recently because of efforts to divert funds from the program. There are several legislative proposals in the Congress which could alter the amount of funds available through SLIAG or the way in which the program is implemented. The fact that there are proposals which could hurt or help those who offer programs to the newly legalized underscores the need for advocacy to ensure that SLIAG is implemented responsibly and effectively. The following issues have surfaced recently as areas for advocacy:

- The "surplus" in funding -- The full amount of money allocated to the states for FY 1988 has not been spent, creating the mistaken

impression that the funds are not needed. As much as $600 million remains unspent for FY 1988 due to a number of reasons:

.. Delays in HHS and INS regulations governing SLIAG made it difficult for the states to formulate their own plans for distributing the money;

.. The states, in turn delayed in identifying costs and implementing plans for spending SLIAG funds;

.. Some of the surplus in funds for FY 87 and 88 was planned by the states because programs would be "starting-up" during these years. Newly developing programs would not use as much money in the first year as they are likely to in successive ones;

.. Newly-legalized persons appear not to be taking advantage of some state benefit programs to which they are entitled because of a lack of information and other factors. The money allocated for this purpose remains unspent;

- Tracking requirements and allowable costs -- There are a number of useful IRCA-related activities which are currently not reimbursable under SLIAG. At least one legislative proposal has been made to expand allowable costs under SLIAG. Such a proposal would make funding available for outreach for the second stage of legalization, as well as for vocational education. In addition, some have proposed easing SLIAG's burdensome tracking requirements by making funds available on a formula basis, which would eliminate the need for states and CBOs to keep track of each ELA served. Other proposals to improve SLIAG accessibility are possible;

- ESL/Civics shortages -- Despite the mistaken perception that there is more funding than there are programs to spend it, it is clear that, especially in the education arena, SLIAG funds are fully and immediately needed to support programs which help newly-legalized persons fulfill the requirement for the second stage. Service providers report that students are electing to remain in classes after the requisite 40/60 hour course, thus limiting supply. In addition, many SAWS, who are not required to pass an ESL/civics test or attend classes, are apparently seeking to receive the benefits of SLIAG-funded educational courses. In some areas of the country, courses are being offered around the clock. Some legislative proposals currently on the table would emphasize that ESL/civics services to second stage applicants must be the first priority, though states should do their utmost to ensure that programs are funded to offer full educational services to those who desire them.

PROBLEM/RESPONSE SHEET

Issues commonly encountered by CBOs
seeking SLIAG educational funding

MIXING APPLES AND ORANGES

A fundamental problem underlying SLIAG is the fact that it assumes the cooperation of complex and slow moving state education bureaucracies and generally small, private, community-based immigrant service organizations. In many cases, this is the first encounter between the two, and misunderstanding, tensions, resentment and conflict are common. The following is an attempt to identify some reasons for these problems, and suggest a few avenues for finding solutions.

CONFLICTING PRIORITIES

Community-based immigrant service organizations serve clients in a variety of ways, depending on their particular situation. Clients with needs related to their immigration status, such as ELAs, are provided with the services necessary to attain the appropriate status within the time frame available to them. In the case of ELAs, these immigration-related needs include education services, and the time frame is alarmingly short.

One accusation has repeatedly been made against states; that service to ELAs is not their priority. In many cases, it appears well founded. Some states have been reluctant to contract out to CBOs, partly, perhaps, because the concept is unfamiliar and the community organizations unknown to the state, but partly, no doubt, because SLIAG offers an opportunity to enhance and expand state educational structures. In many cases, interested CBOs with experience and a tradition of service to immigrants have been excluded from eligibility for SLIAG educational funds by state-imposed criteria and have instead been asked to refer their clients to state educational institutions, such as community colleges. While states may consider retaining SLIAG funds within their own structures institutionally more appropriate, ELAs will suffer because many state institutions are unfamiliar with their special needs. In particular, ELAs may be harmed if state educational agencies place primary emphasis on the attainment of certain educational goals, keeping a few people in classes for a long time. As a consequence, ELAs who have been unable to fulfill their ESL/civics obligation because all available classroom slots are filled may find that their application window for permanent residence is about to close.

STATE ADMINISTRATION

CBOs in most states report confusion as to who is in charge of SLIAG educational funds and a lack of leadership within the state

structure. In addition, CBOs complain of frequent changes in state regulations, lack of clarity as to which state guidelines apply to SLIAG-funded programs and unnecessarily cumbersome state program requirements.

Much of this can be attributed to lack of federal guidance, states' unfamiliarity with the issues, and hesitation about assuming too much risk by contracting with unfamiliar organizations. There is also an element of state distrust of small CBOs' management skills in administering SLIAG funds; some states require prior experience with state education contracts to establish eligibility for SLIAG funding.

Another significant problem stems from the sheer size and complexity of state bureaucracies. While obtaining SLIAG funding may be a top and urgent priority for a CBO which wants to offer ESL/civics classes to its ELA clients, from the state's perspective, SLIAG is only one of a myriad federally-funded, state-administered programs. Thus, states have tended to move at a glacial pace in developing SLIAG plans and implementing programs. Reimbursement to CBOs which have started offering classes and have hired staff has been particularly slow, with predictably adverse consequences for some CBOs. The gap between the start of a "SLIAG-funded" program and the receipt of any SLIAG funds can be several months long, forcing service providers to seek other, temporary sources of funding, including loans, or to close down. SLIAG reimbursement can also be uncomfortably infrequent, based on a state's practice of, for example, quarterly payments. CBOs may thus be forced to front relatively large sums for operating expenses from their own reserves. A related complaint of many CBOs is the unavailability, or the inadequacy, of administrative overhead moneys, particularly in view of what many term "excessive" state paperwork requirements.

Some states have developed state plans which use SLIAG funds to supplant rather than supplement existing expenditures. In other words, they have taken the opportunity of using funding from a new source to replace state funds for programs for which state funds are available. Replacing these funds with SLIAG leaves more state money for things like deficit reduction, or programs which have nothing to do with the newly legalized.

The vastness of a state bureaucracy, the lack of clearly defined responsibilities within it, and the fact that SLIAG is only one of many programs which the state must administer all conspire to create a dearth of available information for CBOs interested in learning about SLIAG. Where information is available, it is often conflicting or incorrect, and a focal point which could provide clarification cannot be easily identified.

WHAT TO DO?

Many CBOs have, unquestionably, been deterred from pursuing SLIAG funding because the process is too daunting, or because identifying other funding sources promises to be more fruitful. For many agencies with limited resources, the effort they must expend to obtain SLIAG funds is simply not cost-effective. Others may be unable to raise the seed grants or low-cost loans to start up a program before SLIAG reimbursement begins. Many CBOS have been successful in accessing SLIAG funds, however; while it takes patience and perseverance, the effort can be worthwhile.

- Identify your state SLIAG Education Contact on appendix B. Call him/her to find out where the state education agency fits in the state's administrative structure and funding process;

- Find out whether there is a state SLIAG advisory group. This could be a Governor's Advisory Task Force on immigration reform or refugee programs, or it may be a separate group. It may include outside, private sector "experts" and policy makers as well as state departments of public health, human services, education, and others. If such a groups exists, fund out who its members are and call them. Ask to speak to the group or provide information in writing. Get involved.

- Find out where the state has identified ELA needs and targeted money. If you submit a proposal to the state, you will need to know the results of the state's needs assessment. As an immigrant advocate, you should be aware of the state's perception of ELA needs so you can provide appropriate input.

- Find out the state's criteria for participation in SLIAG. Some states have developed eligibility criteria which exclude many competent CBOs. You should be able to obtain a copy of your state's plan. Even if your state has already finalized its plan, it may be subject to change.

- Find out about the SLIAG application process from the bottom up. In other words, find out all the stages which an application goes through from the time of submission, what happens at each step, and how long the process takes. This may help you assess whether you should apply for SLIAG funds, what you chances of success might be and whether the process can be expedited in any fashion.

- Work in coalition with others. As you know, your most effective advocacy is done in concert with other organizations which have similar purposes and goals. Coalitions also enable small agencies to share limited resources and draw on each others' strengths.

- Get ELA's involved. Visible advocacy on the part of the community directly affected by a program is an effective way of drawing state and local officials' attention to a problem. In some areas, groups of ELA's advocating that their needs be addressed have made a

difference.

Most important, educate state legislators and officials to the needs of ELAs and the urgency of implementing SLIAG successfully. Explain the need for providing good services now in order to avoid far greater costs to the state in the future. Point out that ELAs who are unable to fulfill the ESL/civics requirement because of a shortage of classroom space will soon revert back to undocumented status and may depend on the state for a range of services rather than retain legal status and remain self sufficient, tax-paying members of society.

APPENDIX A

TABLE 1 - 3
FISCAL YEAR 1988 FINAL SLIAG ALLOTMENTS

RUN DATE: 20-Oct-88

STATE	INITIAL FY 88 ALLOTMENT	FINAL FY 88 ALLOTMENT	ADJUSTMENT TO FINAL FY 88 ALLOTMENT	TOTAL FY 88 ALLOTMENT	PERCENT OF TOTAL
Arizona	$9,049,892	$9,249,401	($12,878)	$18,286,215	1.9694%
Arkansas	$223,124	$81,583	($588)	$304,119	0.0328%
California	$285,474,263	$306,078,602	($3,144,849)	$570,408,016	61.4333%
Colorado	$3,490,505	$2,886,475	$16,319	$6,393,299	0.6886%
Connecticut	$805,758	$526,844	$9,027	$1,141,629	0.1230%
District of Columbia	$1,213,785	$1,089,981	($3,985)	$2,300,081	0.2477%
Florida	$30,185,210	$36,987,011	$3,168,865	$73,341,086	7.8969%
Georgia	$1,540,491	$1,791,803	($18,750)	$3,315,344	0.3571%
Hawaii	$320,837	$391,321	($14,017)	$698,141	0.0752%
Idaho	$2,140,870	$815,561	($15,572)	$2,741,079	0.2952%
Illinois	$25,486,533	$7,108,732	($104,945)	$32,470,320	3.4971%
Indiana	$399,338	$78,432	($584)	$477,208	0.0514%
Iowa	$186,951	$120,514	($3,839)	$283,626	0.0305%
Kansas	$811,540	$340,901	($4,481)	$1,247,960	0.1344%
Louisiana	$542,382	$378,343	($117,121)	$804,604	0.0867%
Maryland	$1,866,084	$956,959	($18,052)	$2,808,991	0.2810%
Massachusetts	$1,864,367	$3,838,080	($51,784)	$5,450,663	0.5870%
Michigan	$846,998	$231,533	($3,449)	$1,074,082	0.1157%
Minnesota	$230,185	$266,040	($3,932)	$491,293	0.0529%
Missouri	$314,232	$335,018	($4,710)	$644,536	0.0694%
Nebraska	$313,480	$102,808	($1,808)	$414,480	0.0446%
Nevada	$2,402,191	$870,781	$478,044	$3,751,016	0.4040%
New Hampshire	$50,408	$15,016	($190)	$65,232	0.0070%
New Jersey	$4,880,772	$1,873,054	($8,454)	$6,827,372	0.7353%
New Mexico	$4,880,780	$6,827,868	($2,149,501)	$9,459,277	1.0188%
New York	$25,352,778	$15,816,573	$838,850	$41,906,998	4.5136%
North Carolina	$2,173,803	$48,829	($28,538)	$2,192,094	0.2361%
Ohio	$451,181	$157,471	($2,314)	$606,308	0.0653%
Oklahoma	$3,104,006	$237,790	$29,537	$3,371,333	0.3631%
Oregon	$3,882,976	$3,736,056	($89,147)	$7,529,887	0.8110%
Pennsylvania	$1,238,964	$578,851	($5,615)	$1,812,200	0.1952%
Puerto Rico	$755,788	$621,477	($264,553)	$1,112,712	0.1198%
Rhode Island	$408,571	$1,129,534	($126,808)	$1,411,597	0.1520%
South Carolina	$432,200	$47,207	($36,231)	$443,176	0.0477%
Tennessee	$280,203	$350,386	$4,551	$624,140	0.0672%
Texas	$55,088,079	$46,596,021	$1,073,364	$102,756,454	11.0671%
Utah	$1,088,248	$746,447	($13,043)	$1,821,650	0.1962%
Virginia	$2,058,791	$2,145,250	($25,881)	$4,178,360	0.4500%
Washington	$8,855,042	$4,325,719	$815,157	$11,895,918	1.2812%
West Virginia	$89,990	$18,912	($589)	$88,313	0.0095%
Wisconsin	$798,138	$221,501	($5,205)	$1,012,434	0.1090%
Wyoming	$272,436	$520,302	($60,001)	$732,737	0.0789%
TOTAL	*$463,461,742*	*$465,038,258*	*$0*	*$928,500,000*	

STATES NOT LISTED ARE NOT PARTICIPATING IN THE SLIAG PROGRAM

Source: Department of Health and Human Services

APPENDIX B

SLIAG Education Contact

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SOURCE: APWA's Task Force on Immigration Reform 9/02/88

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APPENDIX C

FEDERAL OFFSET FIGURES

The federal offset is money "taken off the top" of SLIAG for federal programs which serve newly legalized persons. The amount of the offset affects the total amount allocated in each fiscal year to the states.

YEAR	FEDERAL OFFSET (in millions)	AMOUNT ALLOCATED TO STATES
1988	71.5	928.5
1989	355.0 (plus 1.5 for administrative costs)	643.5
1990	256.0 (projected)	744.0 (projected)
1991	267.0 (projected)	733.0 (projected)

Figures courtesy of the Department of Health and Human Services

APPENDIX D

Table 2. Estimated Legalization Applications (I-687 and I-700)
By State of Residence
LOSS data as of 1/27/89 - LAPS data as of 1/27/89
Rounded to the nearest hundred

State of Residence	Total Applications	Percent	Total I-687	Percent	Total I-700	Percent
California	1,659,000	54.3	967,400	54.7	691,500	53.7
Texas	445,200	14.6	314,200	17.8	131,000	10.2
Florida	168,300	5.5	48,100	2.7	120,200	9.3
New York	167,300	5.5	120,800	6.8	46,500	3.6
Illinois	149,300	4.9	118,000	6.7	31,300	2.4
Arizona	78,500	2.6	27,400	1.5	51,100	4.0
New Jersey	39,900	1.3	28,100	1.6	11,700	0.9
Washington	35,400	1.2	8,700	0.5	26,700	2.1
Oregon	31,200	1.0	3,800	0.2	27,400	2.1
New Mexico	29,800	1.0	17,100	1.0	12,700	1.0
Georgia	23,500	0.8	6,200	0.3	17,300	1.3
Colorado	22,200	0.7	9,800	0.6	12,400	1.0
Nevada	21,100	0.7	11,100	0.6	9,900	0.8
North Carolina	20,100	0.7	2,400	0.1	17,600	1.4
Virginia	18,400	0.6	9,300	0.5	9,100	0.7
Massachusetts	15,000	0.5	9,600	0.5	5,400	0.4
Oklahoma	14,800	0.5	9,700	0.5	5,100	0.4
Puerto Rico	13,000	0.4	5,200	0.3	7,800	0.6
Idaho	11,400	0.4	2,200	0.1	9,300	0.7
Maryland	9,900	0.3	7,600	0.4	2,300	0.2
Pennsylvania	7,800	0.3	2,800	0.2	5,000	0.4
Utah	7,200	0.2	2,500	0.1	4,700	0.4
Kansas	7,000	0.2	3,500	0.2	3,600	0.3
District of Columbia	6,300	0.2	5,000	0.3	1,300	0.1
Michigan	6,200	0.2	2,100	0.1	4,100	0.3
Connecticut	4,500	0.1	2,400	0.1	2,100	0.2
Wisconsin	3,800	0.1	2,700	0.2	1,100	0.1
South Carolina	3,700	0.1	800	0.0	2,900	0.2
Louisiana	3,300	0.1	2,100	0.1	1,200	0.1
Indiana	3,200	0.1	1,700	0.1	1,500	0.1
Arkansas	3,000	0.1	700	0.0	2,300	0.2
Ohio	2,700	0.1	1,500	0.1	1,100	0.1
Rhode Island	2,500	0.1	2,100	0.1	400	0.0
Nebraska	2,400	0.1	900	0.1	1,400	0.1
Alabama	2,200	0.1	600	0.0	1,600	0.1
Hawaii	2,100	0.1	1,300	0.1	900	0.1
Missouri	2,100	0.1	1,300	0.1	800	0.1
Tennessee	1,900	0.1	1,000	0.1	900	0.1
Minnesota	1,500	0.0	1,000	0.1	500	0.0
Iowa	1,200	0.0	500	0.0	800	0.1
Delaware	1,100	0.0	200	0.0	800	0.1
Wyoming	1,100	0.0	700	0.0	400	0.0
Virgin Islands	900	0.0	900	0.0	0	0.0
Mississippi	700	0.0	400	0.0	300	0.0
Kentucky	600	0.0	400	0.0	200	0.0
New Hampshire	600	0.0	300	0.0	300	0.0
Alaska	500	0.0	300	0.0	200	0.0
Maine	400	0.0	100	0.0	300	0.0
West Virginia	400	0.0	100	0.0	300	0.0
Guam	300	0.0	300	0.0	0	0.0
Montana	200	0.0	100	0.0	100	0.0
North Dakota	100	0.0	0	0.0	100	0.0
South Dakota	100	0.0	100	0.0	0	0.0
Vermont	100	0.0	0	0.0	100	0.0

Source: Immigration and Naturalization Service